

MINUTES OF THE EXECUTIVE APPROPRIATIONS COMMITTEE
February 20, 2001 at 4:00 P. M.
Room 303, State Capitol Building

Members Present: Sen. Leonard Blackham, Committee Co-Chair
Rep. Jeff Alexander, Committee Co-Chair
Sen. Ron Allen
Sen. Gene Davis
Mike Dmitrich
Sen. Peter Knudson
Pres. Al Mansell
Sen. Steve Poulton
Sen. Pete Suazo
Sen. John Valentine
Rep. Patrice Arent
Rep. Ralph Becker
Rep. Jackie Biskupski
Rep. Greg Curtis
Rep. Kevin Garn
Rep. Brad King
Speaker Martin Stephens
Rep. David Ure

Sen. Bill Hickman, Vice-Chair
Rep. Ron Bigelow, Vice Chair

Staff Present: John Massey, Legislative Fiscal Analyst
Michael Kjar, Deputy Director
Linda Hansen, Secretary

Public Speakers Present: Diane Nielsen, Director Department of Environment Quality

List of Others Present on File:

Committee Co-Chair Blackham called the meeting to order at 4:25 p.m.

1. **Approval of Minutes**

MOTION: Rep. Alexander made a motion to approve the minutes of February 16, 2001. The motion passed unanimously with Sens. Knudson, Poulton, Dmitrich and Suazo absent at the time of voting.

2. **Natural Resources**

Sen. Parley Hellewell and Rep. Michael Styler appeared before the Committee and presented the Subcommittee's budget recommendations. Steve Allred, Fiscal Analyst, was present.

Rep. Styler requested that amendments on fees be made on page 94 and 95.

MOTION: Rep. Alexander made a motion to amend the fees on page 94 on the fourth line from the bottom of the page and change "hopper car" to "rail car" and delete the entire third line from the bottom concerning boxcar. On page 95 on the line "A fee for applicant requested analysis, delete "analysis" and insert "certification of specific factors". Under durum or hard spring wheats, etc., per request insert "2.00" in place of "3.50"; insert "(1.25)" in place of "0.25" and insert "(351.25)" in place of "70.25". The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Fiscal Year 2002. The total recommendation is \$135,099,700, with \$45,746,700 from the General Fund and the remainder from other sources as listed on page 1 of the Subcommittee's report. The total recommendation is supported by the line item summaries on pages 7-41. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Internal Service Funds for Fiscal Year 2002 as found on page 2 of the Subcommittee's report. The total recommendation is supported by information on pages 33 and 41. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for legislative intent language for Fiscal Year 2002 as listed on pages 3-6 of the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for fees with corrections for Fiscal Year 2002 as listed on pages 59-96 of the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's supplemental recommendations for Fiscal Year 2001. The total recommendations is \$5,884,900, with \$5,482,200 from the General Fund and the remainder from

other sources as listed on page 42 of the Subcommittee's report. The total recommendation is supported by the line item summaries on pages 47-58. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for legislative intent language for Fiscal Year 2001 as found on pages 44-46 of the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Becker made a motion to adopt intent language for the Division of Parks and Recreation's Capital Budget - Trails Grants Program:

It is the intent of the Legislature that \$100,000 of the Trails Grants budget be dedicated to the Bonneville Shoreline Trail pursuant to UCA 63-11A-504, if applications and matching funds are available from local governments.

The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

3. Commerce & Revenue

Sen. Scott Jenkins and Rep. Bryan Holladay appeared before the Committee and presented the Subcommittee's budget recommendations. Jonathan Ball, Fiscal Analyst, and William Greer, Fiscal Analyst, were present. Rep. Holladay responded to questions of the Committee.

MOTION: Sen. Valentine made a motion to accept the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for Fiscal Year 2002. The total recommendation is \$384,092,500, with \$91,762,700 from the General Fund, \$16,601,200 from the Uniform School Fund and the remainder from other sources as listed on page 1 of the Subcommittee's report. The total recommendation is supported by the line item summaries on pages 20 through 42. The motion passed with Reps. Becker and Arent voting in opposition. Sens. Dmitrich, Knudson, Poulton, and Suazo were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for Legislative intent language for Fiscal Year 2002 as listed on

pages 3 through 5 of the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for fees for Fiscal Year 2002 as listed on pages 5 through 19. The fee recommendations are supported by the fee detail listed on pages 51 through 67. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's supplemental funding recommendations for Fiscal Year 2001 as listed on page 43. The total recommendation is \$7,333,100, with a net reduction of \$4,000 from the General Fund, an increase of \$22,500 from the Uniform School Fund and the remaining adjustments from other funding sources as listed on page 43 of the Subcommittee's report. The total recommendation is supported by the line item summaries listed on pages 45 through 50. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for Legislative intent language for Fiscal Year 2001 as found on page 44 of the Subcommittee's report. The motion passed unanimously with Sens. Dmitrich, Knudson, Poulton, and Suazo absent at the time of voting.

4. Economic Development and Human Resources

Rep. Sheryl Allen and Stan Eckersley, Fiscal Analyst, appeared before the Committee. Rep. Allen presented the Subcommittee's budget recommendations. Rep. Allen and Mr. Eckersley responded to questions from the Committee.

Intent language on page 3, item 16 concerning the Travel Council was discussed.

MOTION: Rep. Alexander made a motion to exclude item 16 on page 3 from the intent language. The motion passed with Pres. Mansell and Reps. King, Ure, Curtis, and Becker voting in opposition. Sens. Poulton and Suazo were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommended budget of \$121,543,400 as summarized on page 1 and detailed on pages 5 through 29. Of that amount, \$34,633,300 is ongoing General Fund and \$6,200,000 is one-time General Fund. The motion passed with Reps. Arent, Becker, and Biskupski voting in opposition. Sens. Poulton and Suazo were absent

at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommended intent as shown on pages 2 through 4 and fees as shown on page 36 as amended. The motion passed unanimously. Sens. Poulton and Suazo were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommended FY 2001 supplemental appropriation of \$203,000 as summarized on page 30 and detailed on pages 31 through 35. Of that amount, \$1,063,900 is one-time General Fund. The motion passed with Reps. Arent, Becker, and Biskupski voting in opposition. Sens. Poulton and Suazo were absent at the time of voting.

5. Executive Offices and Criminal Justice

Sen. Chris Buttars and Rep. Lamont Tyler presented the Subcommittee's budget recommendations. Andrea Wilko, Fiscal Analyst, William Dinehart, Fiscal Analyst, Rep. Tyler and Sen. Buttars responded to questions of the Committee.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Executive Offices and Criminal Justice Subcommittee for FY 2002 in the amount of \$563,747,100 with \$411,189,900 from the General Fund and from the other sources as listed on pages 1 and 2. The total recommendation is supported by the line item summaries on pages 8 through 55. The motion passed with Reps. Arent, Biskupski and Becker voting in opposition. Sens. Allen, Davis, and Poulton and Rep. Garn were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Legislative intent language for the Executive Offices and Criminal Justice Subcommittee for FY 2002 as listed on pages 3 through 6. The motion passed with Reps. Arent and Biskupski voting in opposition. Sens. Allen, Davis, and Poulton and Rep. Garn were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for fees for the Executive Offices and Criminal Justice Subcommittee for FY 2002 as listed on pages 6 through 7 with details on pages 87 through 89. The motion passed unanimously.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's

recommendations for the Executive Offices and Criminal Justice Subcommittee for FY 2001 in the amount of \$6,242,400 with \$4,713,000 from the General Fund and from the other sources as listed on pages 56 through 57. The motion passed with Reps. Arent, Becker and King voting in opposition.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Legislative intent language for the Executive Offices and Criminal Justice Subcommittee for FY 2001 as listed on page 58. The motion passed unanimously.

MOTION: Rep. Curtis made a motion that the Fiscal Analyst include the Financial Crimes line item as part of the Attorney General's main line item and that \$75,000 be appropriated from the General Fund to the Attorney General's main line item for the second installment of funding for the pornography complaints ombudsman and her staff.

Rep. Arent requested that the motion be divided into two parts and the request was granted.

The first part of the motion passed unanimously.

The second part of the motion passed with Sen. Dmitrich, and Reps. King, Arent Becker and Biskupski voting in opposition.

7. Health and Human Services

Sen. David Steele and Rep. Jack Seitz appeared before the Committee. Thor Nilsen, Fiscal Analyst, and Spencer Pratt, Fiscal Analyst were present. Sen. Steele presented the Subcommittee's budget recommendations. Sen. Steele, Rep. Seitz, Mr. Nilsen and Mr. Pratt responded to questions of the Committee.

Human Services

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Human Services for FY 2002 in the amount of \$445,914,100 with \$204,476,900 from the General Fund and other sources as listed on page 1. The total recommendation is supported by line item summaries on pages 5 through 16 of the Subcommittee's report. The motion passed with Sen. Davis, and Reps. Arent, Becker, Biskupski and King voting in opposition. Sen. Allen was absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee

recommendations for fees for the Department of Human Services for FY 2002 as listed on pages 3 through 4, with details on page 27. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for Legislative intent language for the Department of Human Services for FY 2002 as listed on pages 2 through 3, items 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16. Items 2 and 6 have been deleted because of concerns raised by Legislative counsel.

SUBSTITUTE MOTION: Sen. Valentine made a motion to adopt Rep. Alexander's motion and include the following intent language:
FY 2001 - Division of Child and Family Services:

It is the intent of the Legislature that the FY 2001 supplemental appropriation for adoption assistance be non-lapsing.

FY 2002 - Division of Services for People with Disabilities

It is the intent of the Legislature that any TANF funds transferred to the Division of Services for People with Disabilities in excess of the amount transferred in the FY 2000 base budget be considered one-time and the Office of the Legislative Fiscal Analyst, in preparing the recommendations for the FY 2003 budget, consider replacing the excess TANF transfer with sufficient General Fund to provide the equivalent amount of service.

It is the intent of the legislature that any Nursing Home Restricted Funds transferred by contract to the Division of Services for People with Disabilities be considered one-time and the Office of the Legislative Fiscal Analyst, in preparing the recommendations for the FY 2003 budget, consider replacing this one-time funding with sufficient General Fund to provide the equivalent amount of service.

The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations on page 17 for the Department of Human Services Internal Service Funds for FY 2002 as follows:

Revenues	\$4,177,900
Capital Outlay Authorization	\$ 0
FTE Level	36

Rates as shown on page 4

The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for supplemental appropriations to the Department of Human Services for FY 2001 in the amount of \$2,173,900 including \$1,113,200 from the General Fund and other funding sources as listed on page 18. The total recommendation is supported by line item summaries on pages 20 through 26 of the Subcommittee's report. The motion passed with Reps. Arent, Becker and King voting in opposition. Sen. Allen and Rep. Ure were absent at the time voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for the new Legislative intent language for the Department of Human Services for FY 2001 as shown on page 19 of the Subcommittee's Supplemental report, items 1, 2, 3, 4, 6, and 7. Item 5 has been deleted as item 6 covers the intent of item 5. The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

Health

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Health and the Medical Education Program for FY 2002 in the amount of \$1,106,656,900 with \$222,516,200 from the General Fund (\$222,328,700 ongoing and \$187,500 one-time) and from the other sources as listed on page 1. The total recommendation is supported by the line item summaries on the pages that follow. The motion passed with Reps. Arent, Becker and King voting in opposition. Sen. Allen and Rep. Ure were absent at the time of voting.

MOTION: Rep. Alexander made a motion to approve the Items 2, 3, 5, 7, 8, 9, 10, 11, 12, and 13 as Legislative intent language for the Department of Health for FY 2002 as listed on pages 2 and 3. (Items 1, 4, and 6 have been deleted because of concerns raised by Legislative Counsel.) The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for fees for the Department of Health for FY 2002 as listed on pages 29 through 53. The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander moved to accept the Subcommittee's recommendations for the Department of Health for FY 2001 in the amount of \$1,890,500 with \$521,300 from the General Fund ((\$18,700) ongoing and \$540,000 one-time) and from the other sources as listed on page 19. The motion passed with Reps. Arent, Becker, and King voting in opposition. Sen. Allen and Rep. Ure were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Legislative intent language for the Department of Health for FY 2001 as listed on page 20. The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander made a motion to reconsider actions for the Department of Health and the Department of Human Services. The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander made a motion to reduce the FY 2002 budget for the Division of Services for People with Disabilities (Department of Human Services) by \$1,600,000, from the General Fund Restricted - Nursing Facility Account, and to increase the budget in the Division of Health Care Financing (Department of Health) by the same amount and from the same source. The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

MOTION: Rep. Alexander made a motion to approve the following intent language in conjunction with this switch in funding, to be placed in both Departments' budgets:

It is the intent of the Legislature that the Department of Health contract with the Department of Human Services to fund \$1.6 million worth of services provided by the Division of Services for People with Disabilities to people with disabilities whose names are on the critical needs waiting list.

The motion passed unanimously with Sen. Allen and Rep. Ure absent at the time of voting.

8. Transportation, Environmental Quality, & National Guard

Sen. Michael Waddoups and Rep. Don Bush appeared before the Committee. Sen. Waddoups presented the Subcommittee's budget recommendations and responded to questions of the Committee. Mark Bleazard, Fiscal Analyst, responded to questions of the Committee.

Sen. Poulton complimented the Subcommittee on a job well done.

National Guard Budget

MOTION: Sen. Dmitrich made a motion to retain 428 FTEs and not reduce this number by 10 as found on page 7 of the report. The motion failed with Sens. Blackham, Knudson, Poulton, Pres. Mansell and Reps. Curtis, Garn, Ure, and Speaker Stephens voting in opposition to the motion. Sens. Allen and Valentine were absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Utah National Guard for FY 2002 in the amount of \$15,623,900 with \$4,102,900 from the General Fund and from other sources as listed on page 6. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for intent language for the Utah National Guard for FY 2002 as listed on page 3. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Utah National Guard for Fiscal Year 2001 supplementals in the amount of \$174,200 as listed on page 28. The motion passed unanimously with Sen. Allen absent at the time of voting.

Department of Environmental Quality Budget

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendation for the Department of Environmental Quality FY 2002 in the amount of \$70,638,200 with \$9,510,100 from the General Fund and from other sources as listed on page 7. The total recommendation is supported by the summary of programs listed on pages 7, 10, 11, and 12. The motion passed with Reps. Arent, Becker, and Biskupski voting in opposition.

Diane Nielsen, Director of Department of Environmental Quality, responded to questions of the Committee.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's

recommendations for intent language for the Department of Environmental Quality for FY 2002 as listed on page 3, except for intent statement number 8. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for fees for the Department of Environmental Quality for FY 2002 as listed on pages 36 through 52. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Environmental Quality Fiscal Year 2001 supplementals in the amount of \$517,900 distributed to the program items in the amounts shown on page 29. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for intent language for the Department of Environmental Quality for FY 2001 as listed on page 30. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for amended fees for the Department of Environmental Quality for FY 2001 as listed on page 29. The motion passed unanimously with Sen. Allen absent at the time of voting.

Department of Transportation

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Transportation for Fiscal Year 2002 in the amount of \$550,308,600 with \$1,295,000 from the General Fund and the other sources as listed on the following pages:

Support Services	Page 13
Engineering Services	Page 14
Maintenance Management	Page 16
Construction	Page 17
Region Management	Page 19
Equipment Management	Page 20
Aeronautics	Page 21
B & C Roads	Page 22
Sidewalks	Page 23
Mineral Lease	Page 24

The motion passed with Reps. Arent, Becker, Biskupski, and King voting in opposition to the motion. Sen. Allen was absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for Legislative intent language for the Department of Transportation for FY 2002 as listed on pages 4 and 5. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Transportation for Fiscal Year 2001 supplementals in the net amount of (\$0). The total recommendations is supported by the line item summaries on the following pages:

Support Services	Page 31
Engineering Services	Page 32
Maintenance Management	Page 33
Construction	Page 34
Region Management	Page 35

The motion passed with Reps. Arent, Becker, Biskupski, and King voting in opposition. Sen. Allen was absent at the time of voting.

MOTION: Rep. Alexander made a motion to accept the Subcommittee's recommendations for the Department of Transportation Fiscal Year 2001 Non-lapsing Funds under terms of Section 68-38-8.1 Utah Code Annotated, as listed on page 27. The motion passed unanimously with Sen. Allen absent at the time of voting.

MOTION: Speaker Stephens made a motion to adjourn. The motion passed unanimously.

Co-Chair Blackham adjourned the meeting at 6:40 P.M.

Minutes were recorded by Linda Hansen and Karen Allred.